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| APPLICATION NO.                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/826,476                             | 04/16/2004  | Kenichi Kihara       | 16869P-096400US     | 1514             |
| 20350                                  | 7590        | 01/04/2007           | EXAMINER            |                  |
| TOWNSEND AND TOWNSEND AND CREW, LLP    |             |                      | BIBBEE, JARED M     |                  |
| TWO EMBARCADERO CENTER                 |             |                      | ART UNIT            | PAPER NUMBER     |
| EIGHTH FLOOR                           |             |                      | 2169                |                  |
| SAN FRANCISCO, CA 94111-3834           |             |                      |                     |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE   |                      | DELIVERY MODE       |                  |
| 3 MONTHS                               | 01/04/2007  |                      | PAPER               |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                 |               |
|------------------------------|-----------------|---------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 10/826,476      | KIHARA ET AL. |
|                              | Examiner        | Art Unit      |
|                              | Jared M. Bibbee | 2169          |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 16 April 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/16/2004 and 3/16/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. The examiner recognizes and accepts the applicants' claim for priority to 05/20/2003 based on foreign application JP 2003-141840.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to independent claim 34, this claim simply represents an abstract idea where the system is configured to execute and display the operations management information but nothing in the claim reflects if the application actually executes and information is actually presented to the user. Therefore the claim fails to provide a useful, concrete, and tangible purpose or result. Applicant is reminded that patent protection is limited to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966)); *In re Fisher*, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); *In re Ziegler*, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

Since the claims presented by the applicant are indeed simply abstract ideas, the claims are not covered by the statutory categories of patentable subject matter set forth in 35 U.S.C. 101. An abstract idea is categorized as one of the three judicially created exceptions to patentable subject matter (the three exceptions are Laws of Nature, Natural Phenomena, and

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Abstract Ideas). The courts have concluded that in order to patent on of the three judicial exceptions to the statutory categories of the invention the claimed subject matter must have a practical, real-world application that produces a useful, concrete, and tangible result (*State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02).

In order to overcome this rejection, the applicant must add a final limitation to independent claim 34 showing a step of actually executing the applications. By adding this conclusionary step, the applicant will add to the claimed invention a useful, concrete, and tangible result that arises from a practical application of the method steps previously mentioned in the claim.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. *Claims 1-34* are rejected under 35 U.S.C. 102(b) as being anticipated by Donaldson et al (U.S. 6,112,237).

With respect to independent claim 1, Donaldson clearly teaches a management item management system for managing management items with respect to management targets retained by an operations management module that operates and manages the management targets in a computer system (see column 1, lines 61-67 through column 2, lines 1-7), the management item management system comprising:

- an operations management information module configured to accumulate operations management information that identifies management targets and operations management modules managing the management targets in the computer system (*see column 2, lines 64-67 through column 3, lines 1-8*);
- a display module configured to display the management targets (*see column 3, lines 39-46 and column 4, lines 52-59 and column 5, lines 62-67*); and
- a selection module configured to select operations management information which contains a management target displayed by the display module in response to an instruction of a user, the operations management information identifying management items (*see column 8, lines 41-67 through column 9, lines 1-4*).

With respect to dependent claim 2, note the discussion of claim 1 above, Donaldson discloses all of the elements of claim 1 and further teaches the limitation of an editing instruction unit configured to send an editing instruction to an editing execution unit of the computer system to edit one or more of the management items serving as editing processing items based on the editing instruction (*see column 6, lines 48-67 through column 7, lines 1-14*).

With respect to dependent claim 3, note the discussion of claim 2 above, Donaldson discloses all of the elements of claim 2 and further teaches the limitation of the display module is configured to display a plurality of editing processing classes of the management items based on the selected target and operations management module; wherein the selection module is configured to select the operations management information and the plurality of editing processing classes with respect to the management items in response to the instruction of the user; and wherein the editing instruction unit is configured to issue an editing instruction for

editing processing of the selected editing processing classes with respect to the determined management targets (*see column 7, lines 15-40*).

With respect to dependent claim 4, note the discussion of claim 2 above, Donaldson discloses all of the elements of claim 2 and further teaches the limitation of a change detection unit configured to detect a change in status of the management targets to obtain detection result and, based on the detection result, notify the editing instruction unit of the change in status of the management targets; wherein the editing instruction unit is configured to receive the notification and to instruct editing processing with respect to the management items in response to the notification (*see column 8, lines 56-67 through column 9, lines 1-4 and column 9, lines 60-67 through column 10, lines 1-7; Scripts can be written to automatically execute when a change in status is detected (see column 10, lines 40-46)*).

With respect to dependent claim 5, note the discussion of claim 1 above, Donaldson discloses all of the elements of claim 1 and further teaches the limitation of the management targets comprise hardware items or software items or both hardware and software items (*see column 5, lines 62-67 and column 8, lines 50-67*).

With respect to dependent claim 6, note the discussion of claim 1 above, Donaldson discloses all of the elements of claim 1 and further teaches the limitation of the management items comprise contents of management targets being managed by the operations management module in the computer system (*see column 1, lines 61-67 through column 2, lines 1-7*).

With respect to independent claim 7, Donaldson clearly teaches a management system comprising:

- a computer system including operations management modules configured to operate and manage management targets (*see column 1, lines 61-67 through column 2, lines 1-7*); and a management item management system including:
  - an operations management information module configured to accumulate operations management information that identifies management targets and operations management modules managing the management targets in the computer system (*see column 1, lines 61-67 through column 2, lines 1-7*); and
  - a selection module configured to select operations management information which contains a management target displayed by the display module in response to an instruction of a user, the operations management information identifying management items (*see column 8, lines 41-67 through column 9, lines 1-4*).

With respect to dependent claim 8, note the discussion of claim 7 above, Donaldson discloses all of the elements of claim 7 and further teaches the limitation of the management item management system further comprises a display module configured to display the operations management information, including a plurality of editing processing classes with respect to the operations management information and the management items (*see column 6, lines 48-67 through column 7, lines 1-40*).

With respect to dependent claim 9, note the discussion of claim 8 above, Donaldson discloses all of the elements of claim 8 and further teaches the limitation of the selection module is configured to select the operations management information and the plurality of editing processing classes with respect to the management items in response to the instruction of the user; and wherein the editing instruction unit is configured to issue an editing instruction for

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editing processing of the selected editing processing classes with respect to the management items identified as editing processing items (*see column 7, lines 27-40*).

With respect to dependent claim 10, note the discussion of claim 9 above, Donaldson discloses all of the elements of claim 9 and further teaches the limitation of management items of other dependent management targets dependent on presence of the management targets associated with the editing processing items are included in the management items serving as the editing processing items, with the editing module executing editing processing of the same class with respect to the management items retained by the other dependent management targets (*see column 7, lines 7-40; Note that the scripts are prioritized into Room, then CPU, then OS, then Subsystem*).

With respect to dependent claim 11, note the discussion of claim 9 above, Donaldson discloses all of the elements of claim 9 and further teaches the limitation of the computer system further comprises an editing execution unit configured to move the editing processing items to a different storage module from a storage module storing the management items when an editing processing class with respect to the management items identified as editing processing items has temporarily stopped, and to move the editing processing items to the storage module storing the management items prior to the temporary stopping from the different storage module when the temporary stopping is cancelled (*see column 7, lines 15-40; Note that by creating a script file the user is moving his typed script to a secondary storage space*).

With respect to dependent claim 12, note the discussion of claim 9 above, Donaldson discloses all of the elements of claim 9 and further teaches the limitation of the computer system further comprises an editing execution unit configured to move the editing processing items to a backup storage module from a storage module storing the management items when an editing

processing class with respect to the management items identified as editing processing items is backed up, and to move the editing processing items to the storage module storing the management items prior to being backed up from the backup storage module at a time of restoration (*see column 7, lines 15-40; Note that by creating a script file the user is moving his typed script to a secondary storage space. The script file that is created is a backup for the management system since the user is given the option to pause or cancel a script. The file allows the system to access the previous version of the script.*).

With respect to claims 14-16, note the discussion of claims 7-9 above, claims 14-16 are method claims corresponding to computer system claims 7-9 and are rejected for the same reasons as set forth in the rejection of claims 7-9 above.

With respect to dependent claim 17, note the discussion of claim 16 above, Donaldson discloses all of the elements of claim 16 and further teaches the limitation of issuing an editing instruction for editing processing of the selected editing processing classes with respect to the determined management items (*see column 6, lines 48-67 through column 7, lines 1-40*).

With respect to dependent claim 18, note the discussion of claim 17 above, Donaldson discloses all of the elements of claim 17 and further teaches the limitation of in a case where a change in status of the management targets is detected, editing processing of the selected processing classes with respect to the determined management items retained by the operations management module managing the management targets (*see Table 1 in column 10*).

With respect to claims 19-21, note the discussion of claims 10-12 above, claims 19-21 are method claims corresponding to computer system claims 10-12 and are rejected for the same reasons as set forth in the rejection of claims 10-12 above.

With respect to dependent claim 22, note the discussion of claim 17 above, Donaldson discloses all of the elements of claim 17 and further teaches the limitation of editing processing of the management items in the computer system in response to the editing instruction (*see column 10, lines 40-46 through column 11, lines 1-10*).

With respect to claims 24-32, note the discussion of claims 14-22 above, claims 24-32 are computer readable medium claims corresponding to method claims 14-22 and are rejected for the same reasons as set forth in the rejection of claims 14-22 above.

*Note: Donaldson demonstrates the use of a computer readable medium in his teachings (see column 47, lines 41-52).*

With respect to independent claim 34, Donaldson clearly teaches a management system comprising:

a computer system including:

- a plurality of management targets (*see column 46, lines 62-67 through column 47, lines 1-6*);
- a plurality of operations management modules configured to operate and manage the management targets (*see Figure 2; The modules are the communications adapter, user interface adapter, and display adapter.*); and
- a status monitoring unit configured to monitor status of the management targets (*see column 5, lines 62-67*); and

a management item management system including:

- an operations management information module configured to accumulate operations management information that identifies management targets and operations management

modules managing the management targets in the computer system (*see column 2, lines 64-67 through column 3, lines 1-8*);

- a selection module configured to select operations management information which contains a management target displayed by a display unit in response to an instruction of a user, the operations management information identifying management items (*see column 8, lines 41-67 through column 9, lines 1-4*);
- a change detection unit configured to receive notification from the status monitoring unit of the computer system of a change in the status of the management targets (*see column 5, lines 52-67*); and
- an editing instruction unit configured to instruct editing process with respect to management items relating to management targets for which notification of a change in the status is received from the change detection unit, wherein the computer system further comprises an editing execution unit configured to execute editing processing of the management items based on an instruction sent from the editing instruction unit of the management item management system, and wherein the display unit is configured to display the operations management information (*see column 6, lines 48-67 through column 7, lines 1-40*).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donaldson in view of Kekic et al (U.S. 6,272,537 B1).

With respect to dependent claim 13, note the discussion of claim 9 above, Donaldson discloses all of the elements of claim 9, but fails to explicitly teach the limitation of the computer system further comprises an editing execution unit configured to perform editing processing of the management items in the computer system in response to the editing instruction, said editing processing including at least one of:

- deleting one or more management items with respect to management targets when deletion of the one or more management items is received as an editing instruction by the computer system;
- invalidating one or more management items with respect to management targets when temporary stop relating to the one or more management items is received as an editing instruction by the computer system;
- validating one or more management items with respect to management targets when cancellation of temporary stop relating to the one or more management items is received as an editing instruction by the computer system;
- changing an identifier of a designated management target in one or more management items with respect to management targets when change of management target name relating to the one or more management items is received as an editing instruction by the computer system;

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- moving, to a backup memory, one or more management items with respect to management targets when back up relating to the one or more management items is received as an editing instruction by the computer system; and
- moving, from the backup memory to the operations management module; one or more management items with respect to management targets when restoration relating to the one or more management items is received as an editing instruction by the computer system.

However, Kekic clearly teaches the limitation of the computer system further comprises an editing execution unit configured to perform editing processing of the management items in the computer system in response to the editing instruction, said editing processing including at least one of:

- deleting one or more management items with respect to management targets when deletion of the one or more management items is received as an editing instruction by the computer system (*see column 28, lines 65-67 through column 9, lines 1-21; The remove button allows the user to delete an element.*);
- invalidating one or more management items with respect to management targets when temporary stop relating to the one or more management items is received as an editing instruction by the computer system (*see column 48, lines 60-67; The acknowledge indicator allows users to validate the alarms. If an alarm is not acknowledged then it is invalidated.*);
- validating one or more management items with respect to management targets when cancellation of temporary stop relating to the one or more management items is received

as an editing instruction by the computer system (*see column 48, lines 60-67; The acknowledge indicator allows users to validate the alarms.*);

- changing an identifier of a designated management target in one or more management items with respect to management targets when change of management target name relating to the one or more management items is received as an editing instruction by the computer system (*see column 29, lines 41-54; Name entry.*);
- moving, to a backup memory, one or more management items with respect to management targets when back up relating to the one or more management items is received as an editing instruction by the computer system (*see column 28, lines 65-67 through column 29, lines 1-21; the export button allows the user to export a copy (backup) of the element.*); and
- moving, from the backup memory to the operations management module; one or more management items with respect to management targets when restoration relating to the one or more management items is received as an editing instruction by the computer system (*see column 28, lines 65-67 through column 29, lines 1-21; the copy button allows the user to make a copy (backup) of the element. The copy can then be used to restore an element if faults or errors occur later.*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the script user interface as taught by Donaldson to incorporate the functionality of editing, deleting, and copying as taught by Kekic. The skilled artisan would have been motivated at the time of the invention to modify the script user interface as taught by Donaldson to incorporate the functionality of editing, deleting, and copying as taught by Kekic

for the purpose of efficiently managing a constantly changing and growing computer network (see column 5, lines 1-6).

With respect to dependent claim 23, note the discussion of claim 13 above, claim 23 is a method claim corresponding to computer system claim 13 and is rejected for the same reasons as set forth in the rejection of claim 13 above.

With respect to dependent claim 33, note the discussion of claim 13 above, claim 33 is a program claim corresponding to computer system claim 13 and is rejected for the same reasons as set forth in the rejection of claim 13 above.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weber et al (U.S. 6,480,901 B1) is cited to teach a system for monitoring and managing devices on a network from management station via a proxy server that provides protocol converter.

Collins et al (U.S. 6,182,134 B1) is cited to teach a configurable system for remotely managing computers.

### *Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared M. Bibbee whose telephone number is 571-270-1054. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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